

particular functional characteristic.” However, the Examiner’s apparent assertion that “web pages” teach “a new set of indicators” appears to run contrary to the Examiner’s immediately previous apparent assertion that “the MIB files” teach “a new set of indicators,” as “the MIB files” and “web pages” of Krishnamurthy et al. appear to be separate elements. Thus, Applicant submits that the cited reference fails to disclose the claimed invention as set forth in claim 1. Therefore, Applicant submits that claim 1 is in condition for allowance.

Regarding claim 6, Applicant notes that the Examiner has not set forth any argument as to why claim 6 would allegedly be anticipated by the Krishnamurthy et al. reference. Rather, as to claim 6, the Examiner only states, “Referring to claim 6, Krishnamurthy et al. discloses the method of claim 1, but does not explicitly teach wherein the set of indicators further includes physical characteristics of the node. While Applicant has submitted above that Krishnamurthy et al. fail to disclose the claimed invention as set forth in claim 1, Applicant agrees with the Examiner that Krishnamurthy et al. do not teach the invention as set forth in claim 6. Thus, Applicant submits that claim 6 is in condition for allowance.

Regarding claim 9, Applicant has presented arguments above for the allowability of claim 1, from which claim 9 depends. Therefore, Applicant submits that claim 9 is also in condition for allowance.

Regarding claim 10, Applicant respectfully disagrees. As noted above regarding claim 1, as one example, the Examiner states, “...it is understood that the MIB files includes functional characteristics because a MIB is a SNMP compatible data structure that defines the functional groups and management objects of a unit or system...” However, Applicant cannot find such teaching in the cited reference. Instead, Krishnamurthy et al. state, in col. 2, lines 33 and 34, “The MIB is a set of managed objects or variables that can be managed.” As another example, the Examiner states, “Web pages contain particular functional characteristics, Figures 4-29” to allege that Krishnamurthy et al. teach “wherein each indicator of the set of indicators corresponds to a particular functional characteristic.” However, the Examiner’s apparent assertion that “web pages” teach “a set of indicators” appears to run contrary to the Examiner’s immediately previous apparent assertion that “the MIB files” teach “a set of indicators,” as “the MIB files” and “web pages” of Krishnamurthy et al. appear to be separate elements. Moreover, the Examiner various elements in the figures of Krishnamurthy et al. but fails to allege how the mere existence of such elements teaches “combining the set of indicators with physical characteristic information of the node to produce the set of

characteristics for the node.” Thus, Applicant submits that the cited reference fails to disclose the claimed invention as set forth in claim 10. Therefore, Applicant submits that claim 10 is in condition for allowance.

Regarding claim 15, Applicant respectfully disagrees. As an example, the Examiner cites “Fig. 3, reference sign 12” as disclosing a network management processor, as well as a processing module. The Examiner cites “Fig. 3, reference sign 68” as disclosing memory. However, “Fig. 3, reference sign 12” is illustrated as including “Fig. 3, reference sign 68.” Thus, the Examiner has not identified separate elements as allegedly teaching “A network management processor, comprising: a processing module; and memory...,” but effectively states that “Fig. 3, reference sign 12” comprises itself in its entirety and a portion of itself, which is vague and duplicative.

Moreover, Applicant submits that, given the similarity of the Examiner’s assertions concerning the cited reference among claims 1, 10, and 15, the lack of the alleged teachings and the apparent contradiction noted in regard to claims 1 and 10 appears to be also applicable to claim 15. Thus, Applicant submits that the cited reference fails to disclose the claimed invention, as set forth in claim 15. Therefore, Applicant submits that claim 15 is in condition for allowance.

The Examiner has rejected claims 4, 7, 18, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Krishnamurthy et al. in view of Rose et al. Regarding claim 4, Applicant respectfully disagrees. The Examiner alleges that Rose et al. discloses MIBs with multiple hierarchical levels in pages 5-7, 10-14, and 16-18. However, Applicant notes that claim 4 states, “...wherein each set of indicators includes indicators indicating functional support at multiple hierarchical levels within a node to which the set of indicators corresponds.” Applicant submits that Rose et al., either alone or in combination with Krishnamurthy et al., fails to disclose or suggest “...functional support at multiple hierarchical levels within a node....” Rather, as Rose et al. state on page 6, line 35, to page 7, line 2, “For example, if the ‘Flintstones, Inc.’ enterprise produced networking subsystems, then they could request a node under the enterprises subtree from the Internet Assigned Numbers Authority. Such a node might be numbered: 1.3.6.1.4.1.42.” Thus, Applicant cannot identify any teaching or suggestion of “multiple hierarchical levels within a node.” Therefore, Applicant submits that claim 4 is in condition for allowance.

Regarding claim 7, Applicant respectfully disagrees. Applicant notes the arguments set forth above in regard to claim 1, from which claim 7 depends. Moreover, Applicant notes that Rose et al.

state, on page 10, "For example, the notion of an entry in a routing table might be defined in the MIB. Such a notion corresponds to an object type; individual entries in a particular routing table which exist at some time are object instances of that object type." Applicant notes that "an entry" or "individual entries" in a routing table do not appear to involve "determining routing paths" (plural) in a network. Thus, Applicant submits that claim 7 is in condition for allowance.

Regarding claim 18, for the reasons set forth above in regard to claim 4, Applicant cannot identify any teaching or suggestion of "multiple hierarchical levels within a node." Therefore, Applicant submits that claim 18 is in condition for allowance.

Regarding claim 19, for the reasons set forth above in regard to claim 7, Applicant submits that claim 19 is in condition for allowance.

The Examiner has rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Krishnamurthy et al. Regarding claim 8, Applicant respectfully disagrees. Applicant can find no description of what the "system-wide parameters" of Krishnamurthy et al. would be. Moreover, Applicant can find no disclosure in the cited portion of Krishnamurthy et al. of "...wherein performing network management functions further comprises configuring path endpoints in the network." For example, "system-wide" typically involves every component in a system, not "...configuring path endpoints...." Thus, Applicant submits that claim 8 is in condition for allowance.

The Examiner has rejected claim 9 under 35 U.S.C. § 112, first paragraph, alleging that the specification, while being enabling for TDM, Frame Relay, ATM and a number of wireless format, does not reasonably provide enablement for a communications network that includes one or more of Time Division Multiplexing, Frame Relay, asynchronous transfer mode, and wireless network formats. The Examiner further states that the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. The Examiner also states that the specification does not provide enablement for TDM and wireless network formats, Frame Relay and wireless network formats, and ATM and wireless network formats.

The Examiner has allowed claims 13, 14, 20, and 21. The Examiner has objected to claims 2, 3, 5, 11, 12, 16, and 17 as being dependent upon a rejected base claim but states that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

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